

114. Plaintiff and the Improper Authorization Class are entitled to statutory damages of not less than \$100 and not more than \$1,000 for each and every one of these violations, pursuant to 15 U.S.C. § 1681n(a)(1)(A).

115. Plaintiff and the Improper Authorization Class are also entitled to punitive damages for these violations, pursuant to 15 U.S.C. § 1681n(a)(2).

116. Plaintiff and the Improper Authorization Class are further entitled to recover their costs and attorneys' fees, pursuant to 15 U.S.C. § 1681n(a)(3).

COUNT III

(Asserted on Behalf of Plaintiff and the Adverse Action Class)

Failure to Comply with Pre-Adverse Action Requirements of the FCRA

15 U.S.C. § 1681b(b)(3)(A)

117. Plaintiff alleges and incorporates by reference the allegations in the preceding paragraphs.

118. DISH Network is a "person" as defined by the FCRA.

119. DISH Network used a "consumer report," as defined by the FCRA, to take adverse employment action against Plaintiff and other members of the Adverse Action Class.

120. DISH Network violated the FCRA by failing to provide Plaintiff and other Adverse Action Class members with a copy of the consumer report that was used to take adverse employment action against them. See 15 U.S.C. § 1681b(b)(3)(A).

121. DISH Network also violated the FCRA by failing to provide Plaintiff and other Adverse Action Class members with a summary of their rights under the FCRA. See 15 U.S.C. § 1681b(b)(3)(A).

122. The foregoing violations were willful.

123. Plaintiff and the Adverse Action Class are entitled to statutory damages of not less than \$100 and not more than \$1,000 for each and every one of these violations, pursuant to 15 U.S.C. § 1681n(a)(1)(A).

124. Plaintiff and the Adverse Action Class are also entitled to punitive damages for these violations, pursuant to 15 U.S.C. § 1681n(a)(2).

125. Plaintiff and the Adverse Action Class are further entitled to recover their costs and attorneys' fees, pursuant to 15 U.S.C. § 1681n(a)(3).

COUNT IV

(Asserted on Behalf of Plaintiff and the Outdated Information Class)

Provision of Outdated Information in Violation of the FCRA

15 U.S.C. § 1681c(a)

126. Plaintiff alleges and incorporates by reference the allegations in the preceding paragraphs.

127. In violation of 15 U.S.C. § 1681c(a), Sterling Infosystems has unlawfully reported "adverse item[s] of information, other than records of convictions of crimes which antedate[] the report by more than seven years" in reports describing the backgrounds of Plaintiff and other Outdated Information Class members.

128. The foregoing violations were willful. Sterling Infosystems acted in deliberate or reckless disregard of its obligations and the rights of Plaintiff and other Outdated Information Class members under 15 U.S.C. § 1681c(a).

129. Plaintiff and the Outdated Information Class are entitled to statutory damages of not less than \$100 and not more than \$1,000 for each and every one of these violations, pursuant to 15 U.S.C. § 1681n(a)(1)(A).

130. Plaintiff and the Outdated Information Class are also entitled to punitive damages and appropriate equitable relief for these violations, pursuant to 15 U.S.C. § 1681n(a)(2).

131. Plaintiff and the Outdated Information Class are further entitled to recover their costs and attorneys' fees, pursuant to 15 U.S.C. § 1681n(a)(3).

COUNT V

(Asserted on Behalf of Plaintiff and the Failure to Produce Report Class)

Failure To Produce Report in Violation of the FCRA

15 U.S.C. §§ 1681j(a)(1)(A) and 1681g(a)(1)(A)

132. Plaintiff alleges and incorporates by reference the allegations in the preceding paragraphs.

133. In violation of 15 U.S.C. §§ 1681j(a)(1)(A) and 1681g(a)(1)(A), Sterling Infosystems has failed to produce, upon request by Plaintiff and other Failure To Produce Report Class members, the information on file, sources, and report recipients.

134. The foregoing violations were willful. Sterling Infosystems acted in deliberate or reckless disregard of its obligations and the rights of Plaintiff and other Failure To Produce Report Class members under 15 U.S.C. § 1681e(a).

135. Plaintiff and the Failure To Produce Report Class are entitled to statutory damages of not less than \$100 and not more than \$1,000 for each and every one of these violations, pursuant to 15 U.S.C. § 1681n(a)(1)(A).

136. Plaintiff and the Failure To Produce Report Class are also entitled to punitive damages and appropriate equitable relief for these violations, pursuant to 15 U.S.C. § 1681n(a)(2).

137. Plaintiff and the Failure To Produce Report Class are further entitled to recover their costs and attorneys' fees, pursuant to 15 U.S.C. § 1681n(a)(3).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, on behalf of himself and the Putative Classes, prays for relief as follows:


- A. Determining that this action may proceed as a class action under Rule 23(b)(1), (2) and (3) of the Federal Rules of Civil Procedure;
- B. Designating Plaintiff as class representative and designating Plaintiff's counsel as counsel for the Putative Classes;
- C. Issuing proper notice to the Putative Classes at Defendants' expense;
- D. Declaring that DISH Network committed multiple, separate violations of the FCRA;
- E. Declaring that DISH Network acted willfully in deliberate or reckless disregard of Plaintiff's rights and its obligations under the FCRA;
- F. Awarding appropriate equitable relief, including but not limited to an injunction forbidding DISH Network from engaging in further unlawful conduct in violation of the FCRA;
- G. Awarding statutory damages and punitive damages as provided by the FCRA;
- H. Awarding reasonable attorneys' fees and costs as provided by the FCRA; and
- I. Granting other and further relief, in law or equity, as this Court may deem appropriate and just.

DEMAND FOR JURY TRIAL

142. Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff and the Putative Classes demand a trial by jury.

Respectfully submitted,

Dated: November 30, 2012



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*applications for *pro hac vice*
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